From: Patrick Purcell
To: 'Microsoft.atr(a)usdoj.gov'
Date: 1/28/02 1:57pm
Subject: Microsoft Settlement

Hello

My name is Patrick Purcell. As an Applications Developer and consumer of commercial software ,
I feel I must comment on the proposed Final Settlement.

I will make the following general comments and then move on to specific items in the documents .(Civil Action No 98-1232 and Civil Action No 98-1232 CKK).

It is my understanding that judgment against Microsoft stands. Microsoft was found
in violation of the Sherman Act. I believe the original remedy should stand.

In document Civil Action No 98-1232 CKK Section III H 3 Microsoft would be prohibited
from modifying third party icons,menus, and shortcuts without asking for permission of the user.
The description does not prevent from Microsoft continually asking the user if changes should be made.
In effect the user could be nagged to making a change.
I believe the language should be strengthen to prevent Microsoft from nagging
or making adjustments through a needed software upgrade (in the case of a software fix).

In document Civil Action No 98-1232 CKK Section III J Microsoft is not obligated to license or disclose its
API to third parties.
The API allows a programmer to develop software and take advantage of services the operating system offers.
Having a closed API excludes developers from using the operating system to its full extent and does not provide
a level playing field. An open API would level the playing field.

It is possible to have a public API and not compromise security and encryption.
The open source software Linux list all its API while providing a high level of security.
The encryption software Pretty Good Privacy (PGP) provides the API and an excellent level of encryption.
Both Linux and PGP clearly illustrate it is possible to provide your complete API to all and still provide

levels of security.

An open API would not preclude making a profit. For example Stronghold is a commercial secure web server
based on the Apache web server. Stronghold is a successful product using an open API from the Apache
web server. Another example is the Apple product, Mac OS X which is based on FreeBSD Unix.

On December 13, 2001, the ECMA General Assembly ratified the C# and common language infrastructure (CLI) specifications into international standards.
The ECMA standards will be known as ECMA-334 (C#) and ECMA-335 (the CLI).
The C# is a programming language developed by Microsoft. By having ECMA
(http://www.ecma.ch) ratify C# and CLI as international standards, Microsoft lost direct control of the future development of these
technologies. However Microsoft opened the API to the public to strengthen the acceptance of these technologies. Microsoft recognizes that publishing the API has benefits. Microsoft would not be overall negatively affected from publishing its complete API for its operating system. The actual publishing of the API could be done through an agency such as ECMA.
The above statements are my sole opinions and do not represent the views of my employer.
I hope you will consider these statements in making a final decision.
Sincerely

Patrick Purcell